

**Introduced by Senator Corbett**

January 25, 2007

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An act to amend Section 70374 of the Government Code, relating to court facilities.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 145, as introduced, Corbett. Court facilities.

Existing law creates the State Court Facilities Construction Fund, which is financed by certain state court construction penalty assessments, parking surcharges, and filing fee surcharges on civil actions, as specified. Existing law provides that the money in this fund may only be for specified purposes, which include the acquisition, rehabilitation, construction, and financing of court facilities, as defined.

This bill would correct an erroneous cross-reference in these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 70374 of the Government Code is
- 2 amended to read:
- 3 70374. (a) The Judicial Council shall annually recommend to
- 4 the Governor and the Legislature the amount proposed to be spent
- 5 for projects paid for with money in the State Court Facilities
- 6 Construction Fund. The use of the appropriated money is subject
- 7 to subdivision (l) of Section 70391.
- 8 (b) Acquisition and construction of court facilities shall be
- 9 subject to the State Building Construction Act of 1955

(commencing with Section 15800) and the Property Acquisition Law (commencing with Section 15850), except that, (1) notwithstanding any other provision of law, the Administrative Office of the Courts shall serve as an implementing agency upon approval of the Department of Finance, and (2) the provisions of subdivision (e) shall prevail. Acquisition and construction of facilities are not subject to the provisions of the Public Contract Code, but shall be subject to facilities contracting policies and procedures adopted by the Judicial Council after consultation and review by the Department of Finance.

(c) Money in the State Court Facilities Construction Fund shall only be used for either of the following:

(1) To acquire, rehabilitate, construct, or finance court facilities, as defined by subdivision (e) of Section 70302 (d) of Section 70301.

(2) To rehabilitate one or more existing court facilities in conjunction with the construction, acquisition, or financing of one or more new court facilities.

(d) Twenty-five percent of all money collected for the State Court Facilities Construction Fund from any county shall be designated for implementation of trial court projects in that county. The Judicial Council shall determine the local projects after consulting with the trial court in that county and based on the locally approved trial court facilities master plan for that county.

(e) The following provisions shall prevail over provisions of the State Building Construction Act of 1955 (Part 10.6 (commencing with Section 15800) of Division 3 of Title 2) in regard to buildings subject to this section.

(1) The Administrative Office of the Courts shall be responsible for the operation, including, but not limited to, the maintenance and repair, of all court facilities whose title is held by the state. Notwithstanding Section 15807, the operation of buildings under this section shall be the responsibility of the Judicial Council.

(2) Notwithstanding Section 15808.1, the Judicial Council shall have the responsibility for determining whether a building under this act shall be located within or outside of an existing public transit corridor.

(3) The buildings under this section are subject to Section 15814.12 concerning cogeneration and alternative energy sources at the request of, or with the consent of, the Judicial Council. Any building acquired by the state pursuant to this section on or before

1 July 1, 2007, is not subject to subdivision (b) of Section 15814.12  
2 concerning acquiring of cogeneration or alternative energy  
3 equipment if the building when acquired, already had cogeneration  
4 or alternative energy equipment. Section 15814.17 only applies to  
5 buildings to which the Judicial Council has given its consent under  
6 subdivision (a) of Section 15814.12.

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